

severities of the High Commission Court which Elizabeth empowered to try all ecclesiastical delinquents. Such a delegation of her ecclesiastical authority the queen was entitled to grant by the Act of Supremacy, for the purpose of reforming, correcting, or amending all heresies, abuses, offences with which the ecclesiastical authority was legally competent to deal. In virtue of this right, she had nominated commissions on several occasions, and invested the Commissioners of 1559 with the most ample powers. They might try delinquents by jury or not, as they found desirable, for they were authorised to inquire "as well by the oath of twelve good men, as also by witnesses, and all other ways and means ye can devise, for all offences contrary to the said several acts and statutes." They might arrest and try any one on mere suspicion, might compel such person on oath to incriminate himself, might punish by fine, imprisonment, or otherwise, all convicted of any manner of offence against the aforesaid laws. The tendency of subsequent nominations was to increase both the numbers and the powers of the Commissioners. The Commission of 1583, which consisted of forty-four members, was rendered more tyrannical by the inquisitorial procedure which Whitgift drew up for its guidance in a series of twenty-four articles. These articles constituted a veritable search-light, which flashed its rays into every recess of the life and conscience of the accused. They bore on private as well as public actions, and to the prying questions of their judges the accused were compelled to return a direct answer on oath, whether it was to their detriment or not (the *ex officio* oath of the canon law). Against this remorseless tyranny it was useless to appeal to the common law and the right to a legal trial. Whitgift could instance his commission under the royal seal, and play the tyrant in virtue thereof, in spite of any law or legal right to the contrary. It was, nevertheless, questionable whether the commission which conferred these arbitrary powers was not an excessive exercise of the royal prerogative, and the arbitrary methods which not only dispensed on occasion with trial by jury, but compelled a man to incriminate himself, and punished at discretion those who refused the oath, were certainly neither fair nor legal. They were repugnant to the